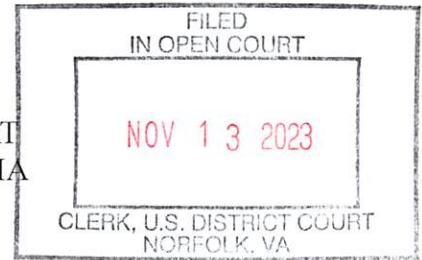


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA

v.

ROBERT EDGAR ENGLISH,

Defendant.

Case No. 2:23-cr-19

STATEMENT OF FACTS

The United States and the defendant, ROBERT ENGLISH (hereinafter, “the defendant”), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. On or about May 28, 2019, the defendant accompanied a second individual, G.H., to a federally licensed firearm retailer located in Chesapeake, Virginia. Defendant gave G.H. approximately \$1,300 cash prior to entering the retailer and, once inside, defendant selected, among other things, a Palmetto State Armory, Model PA-15, multi-caliber semi-automatic pistol. Though G.H. completed an ATF Form 4473 stating that G.H. was the actual transferee/buyer of the Palmetto State Armory, Model PA-15, multi-caliber semi-automatic pistol, in reality and fact, it was defendant who was the actual buyer.

2. On June 16, 2019, law enforcement observed the defendant driving a blue Nissan Maxima sedan in Portsmouth, Virginia. After the vehicle was stopped, law enforcement seized the Palmetto State Armory, Model PA-15, multi-caliber semi-automatic pistol from the vehicle’s trunk, as well as an attached drum magazine that held twenty-six (26) rounds of ammunition and which was capable of accepting up to sixty (60) rounds of ammunition.

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3. The Palmetto State Armory, Model PA-15, multi-caliber semi-automatic pistol was manufactured outside the Commonwealth of Virginia and therefore had traveled in interstate and/or foreign commerce.

4. On or about December 5, 2005, in Kings County, New York, the defendant was convicted of Attempted Criminal Possession of a Weapon in the Third Degree in violation of New York Penal Law § 265.02(4), a felony, for which he was later sentenced to more than one year of incarceration.

5. On or about September 7, 2021 and September 8, 2021, the user of a Facebook account which purported to be for an individual named "Howard Barnes" sent a series of messages to N.M., who had previously been in a romantic relationship with defendant. Among other messages, the user of the Facebook account wrote:

- a. "Why you gotta keep me from my daughter. Just to piss me off. That's no good reason[.] And it's gonna cost you."
- b. "Be careful when crossing the street. Lots of people have been getting hit by cars[.] Make sure u look both ways everytime u come outside[.] See u soon[.] I'll do life[.]"
- c. "But I swear on Jesus sandals. U are gonna wish u never lied to me about seeing my daughter[.] And if something happens to her because u keep sending her to someone else's house for them to raise her. Imma black out your whole family[.]
- d. "U can save every msg. Screen shot. Voicemail etc. that s*** means nothing to me. ... And won't bring u back once u gone[.]"
- e. "Every corner U turn. U better be looking for the reaper."

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6. The Facebook account which purported to be for an individual named “Howard Barnes” had a profile picture and cover photo of a business entity called “Return on Investments LLC.” Records maintained by the Virginia State Corporation Commission reflect that the business entity was created on or about August 8, 2021 by the defendant, who provided his full name as the registered agent for the company.

7. Messages and/or files sent using Facebook are transmitted using the Internet, which is an interconnected network of computers with which one communicates when on-line, is a network that crosses state and national borders, and is a facility of interstate and foreign commerce.

8. The defendant now acknowledges that he possessed the Palmetto State Armory, Model PA-15, multi-caliber semi-automatic pistol recovered from his vehicle and that he was also the user of the Facebook account who sent the messages on or about September 7, 2021 and September 8, 2021.

9. The investigation and evidence prove that on or about September 8, 2021, in Portsmouth, within the Eastern District of Virginia, defendant did knowingly transmit in interstate and foreign commerce a communication containing a threat to injure the person of another; to wit, the defendant sent a Facebook message to N.M. stating: “U will regret this day. The day I turn my back on my flesh and blood to save myself[.] Every corner u turn. U better be looking for the reaper,” in violation of 18 U.S.C. § 875(c).

10. The investigation and evidence prove that from on or about June 16, 2019, in Portsmouth, within the Eastern District of Virginia, defendant, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit, a Palmetto State Armory, Model PA-15, multi-caliber semi-automatic

pistol, said firearm having been shipped and transported in interstate and foreign commerce, in violation of 18 U.S.C. § 922(g)(1).

11. The defendant's civil rights, including the right to possess a firearm, have not been restored. The defendant knew that his civil rights had not been restored and that his possession of a firearm was illegal.

12. Defendant's participation in the events described was undertaken knowingly, intentionally, and unlawfully, and not as a result of an accident, mistake, or other innocent reason.

13. Defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offense charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: Nov 13, 2023

By: _____



Anthony Mozzi
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, ROBERT ENGLISH, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



ROBERT ENGLISH

I am ROBERT ENGLISH'S attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



~~Amanda Conner, Esq.~~
~~Assistant Federal Public Defender~~
Attorney for ROBERT ENGLISH

Andrew Sacks, Esq.

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